

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 1737

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Introduced by Assembly Member Holden

January 31, 2022

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An act to amend Sections 18897, 18897.1, 18897.2, 18897.3, 18897.4, and 18897.7 of, to add Division 40 (commencing with Section 60000) to, and to repeal Section 18897.6 of, the Health and Safety Code, to amend Section 1182.4 of the Labor Code, and to amend Section 11165.7 of the Penal Code, relating to children’s camps.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1737, as introduced, Holden. Children’s camps: local registration and inspections. Existing law requires the State Public Health Officer to establish rules and regulations establishing minimum standards for organized camps. Existing law requires the State Fire Marshal to adopt minimum fire safety regulations for organized camps. Existing law requires local health officers to enforce building standards relating to organized camps and the other rules and regulations adopted by the State Public Health Officer. Existing law defines “organized camp,” for these purposes, as a site with a program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for 5 days or more during one or more seasons of the year, except as specified. Existing law requires the Director of Public Health to consider the Camp Standards of the American Camping Association when adopting rules and regulations pursuant to these provisions.

This bill would make these provisions applicable to “children’s camps” instead of organized camps and would define “children’s camp” as a camp that offers daytime or overnight experiences administered by professional adults who provide social, cultural, educational, recreational, or artistic programming to more than 5 children between 3 and 17 years of age for 5 days or longer during at least one season, except as specified. The bill would make other conforming changes in this regard. The bill would also delete the requirement for the Director of

Public Health to consider the Camp Standards of the American Camping Association when adopting rules and regulations.

This bill would require the operator of a children's camp to annually register with the local agency of the jurisdiction where the children's camp is located at least 90 days before commencing operations. The bill would require each local agency to develop a registration form for a children's camp to file with the local agency that includes specified information, including the name and location of the camp and the name and contact information of the camp operator and camp director. The bill would authorize each local agency to charge a registration fee that does not exceed the reasonable costs incurred by the local agency to register and inspect the children's camps in its jurisdiction.

This bill would require each local agency to make at least one unannounced inspection and one scheduled inspection of each children's camp within its jurisdiction during the calendar year and to make additional inspections in specified circumstances. If the local agency identifies any violation of these provisions during an inspection, the bill would require the local agency to issue a notice to correct the violation to the camp operator and the camp director. The bill would require the children's camp to post the cited violation on the premises of the camp until mitigation of the violation has been confirmed by the local agency. The bill would require the local agency to conduct a followup inspection to confirm the mitigation of a cited violation. The bill would require the local agency to maintain all records of children's camp inspections and make the records available for public inspection. By creating new duties for a local agency in the administration of children's camps, the bill would impose a state-mandated local program. This bill would require each children's camp to develop and maintain an operating plan that includes specified information, including, but not limited to, the camp's admission policy, proposed operating hours, proposed fee schedule, health and safety policies, and discipline policies. The bill would require each children's camp to develop and maintain an emergency action plan that contains procedures to address emergency situations, including, but not limited to, natural disasters, lost campers, fires, severe illnesses and injuries, and active shooters. The bill would require all camp staff to be trained in implementation of the operating plan and emergency action plan.

This bill would require a camp operator or camp director to check the background and character of each prospective camp staffer or counselor, regardless of age, on an annual basis through character references, background checks, and a sex offender registry information check. The bill would require each children's camp to ensure that a full-time adult health supervisor, as defined, is available on the premises of the children's camp whenever campers are present. The bill would require a camp operator, camp director, and all camp staff to complete training in child abuse and neglect identification and training in child abuse and neglect reporting, as specified.

This bill would require each local agency that registers a children's camp pursuant to these provisions to submit an annual report to the State Department of Public Health that contains specified information, including the names of the children's camps in its jurisdiction, the number of attending campers, and any violations cited by the local agency. The bill would require the State Department of Public Health to develop and maintain a public database on its internet

website that contains all the information submitted by local agencies and an annual summary, as specified.

Existing law provides that a student employee, camp counselor, or program counselor of an organized camp is not subject to a minimum wage or maximum hour order if the employee receives a weekly salary of at least 85% of the minimum wage for a 40-hour week, as specified. This bill would instead apply these provisions to a student employee, camp counselor, or program counselor of a children's camp.

Existing law requires a mandated reporter to report whenever they, in their professional capacity or within the scope of their employment, have knowledge of or observed a child who the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Under existing law, failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to 6 months of confinement in a county jail, by a fine of \$1,000, or by both that imprisonment and fine. Existing law includes an administrator of a public or private day camp as a mandated reporter.

This bill would instead make an administrator or a full-time employee of a children's camp a mandated reporter. By expanding the scope of individuals classified as mandated reporters, the bill would expand the scope of a crime and impose a state-mandated local program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## **Bill Text**

# **THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

## **SECTION 1.**

Section 18897 of the Health and Safety Code is amended to read:

~~18897.~~

~~(a) “Organized camp” means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year.~~

18897.

*(a) “Children’s camp” means a camp that offers daytime or overnight experiences administered by professional adults who provide social, cultural, educational, recreational, or artistic programming to more than five children between 3 and 17 years of age for five days or longer during at least one season.*

(b) The term ~~“organized~~ *“children’s camp”* does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and does not include a ~~child-care~~ *childcare* institution or home-finding agency.

(c) The term ~~“organized~~ *“children’s camp”* also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.

## SEC. 2.

Section 18897.1 of the Health and Safety Code is amended to read:

18897.1.

“Camper” means any person in ~~an organized~~ *a children’s* camp on a fee or nonfee basis who is a participant in the regular program and training of ~~an organized~~ *a children’s* camp, and who may take on duties relating to ~~such~~ *that* program and training.

## SEC. 3.

Section 18897.2 of the Health and Safety Code is amended to read:

18897.2.

(a) Except as provided in Section 18930, the Director of Public Health shall adopt, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, rules and regulations establishing minimum standards for ~~organized~~ *children’s* camps and regulating the operation of ~~organized~~ *children’s* camps that the director determines are necessary to protect the health and safety of the campers. ~~Organized~~ *Children’s* camps also shall comply with the building standards of the jurisdiction in which the camp is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the Director of Public Health. The Director of Public Health shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The State Department of Public Health shall enforce building standards published in the State Building Standards Code relating to ~~organized~~ *children’s* camps and such other rules and regulations adopted by such director pursuant to the provisions of this section as the director determines are necessary to protect the health and safety of campers. ~~In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and~~

~~in adopting such other rules and regulations pursuant to the provisions of this section, the Director of Public Health shall consider the Camp Standards of the American Camping Association.~~

(b) The Director of Public Health shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and shall adopt such other rules and regulations pursuant to the provisions of this section establishing minimum standards for intermittent short-term organized camps operated by a city or a county as the director deems necessary to protect the health and safety of campers. For purposes of this subdivision, “intermittent short-term organized camps” means a site for camping by any group of people for a period of not more than 72 consecutive hours for that group.

#### **SEC. 4.**

Section 18897.3 of the Health and Safety Code is amended to read:

~~18897.3.~~

Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for ~~organized~~ *children’s* camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

#### **SEC. 5.**

Section 18897.4 of the Health and Safety Code is amended to read:

~~18897.4.~~

Every local health officer shall enforce within ~~his or her~~ *their* jurisdiction the building standards published in the State Building Standards Code relating to ~~organized~~ *children’s* camps and the other rules and regulations adopted by the Director of Public Health pursuant to Section 18897.2.

#### **SEC. 6.**

Section 18897.6 of the Health and Safety Code is repealed.

~~18897.6.~~

~~Organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health, California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours of employees of organized camps and this section shall not be construed to limit the application of building standards published in the State Building Standards Code to structures in organized camps.~~

## SEC. 7.

Section 18897.7 of the Health and Safety Code is amended to read:

18897.7.

~~No organized~~ *A children's* camp shall *not* be operated in this state unless each site or location in which the camp operates satisfies the minimum standards for ~~organized children's~~ camps prescribed in building standards published in the State Building Standards Code relating to ~~organized children's~~ camps, and in other rules and regulations adopted by the Director of Public Health and the State Fire Marshal. Any violation of this section or of any building standard published in the State Building Standards Code relating to ~~organized children's~~ camps or any other rule or regulation adopted pursuant to Section 18897.2 or 18897.3 in the operation of ~~organized children's~~ camps is a misdemeanor.

## SEC. 8.

Division 40 (commencing with Section 60000) is added to the Health and Safety Code, to read:

### **DIVISION 40. Local Regulation of Children's Camps**

60000.

For purposes of this chapter:

- (a) "Camp director" means a person who is responsible for day-to-day decisionmaking and supervision of children's camp programs and staff.
- (b) "Camp operator" means an individual, partnership, joint venture, or organization that owns, leases, rents, or operates a children's camp, or an individual, partnership, or joint venture that has care, charge, or control of a children's camp.
- (c) (1) "Children's camp" means a camp that offers daytime or overnight experiences administered by professional adults who provide social, cultural, educational, recreational, or artistic programming to more than five children between 3 and 17 years of age for five days or longer during at least one season.  
(2) The term "children's camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, or penal or correctional camp, and does not include a childcare institution or home-finding agency.  
(3) The term "children's camp" also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.
- (d) "CPR certification" means pediatric cardiopulmonary resuscitation certification, including automated external defibrillator certification, issued by the American Red Cross, American Heart Association, or an equivalent program approved by the Emergency Medical Services Authority under Section 1797.191. A certification shall be valid as specified by the provider, but shall not exceed one year from the date of course completion.
- (e) "Health supervisor" means a person who is any of the following:
  - (1) A person who obtained the training required under Section 1596.866.
  - (2) A physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

- (3) A registered nurse licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code.
- (4) A licensed vocational nurse who is licensed pursuant to Chapter 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code.
- (f) "Local agency" means a city, county, or city and county.

**60001.**

- (a) The operator of a children's camp shall annually register with the local agency of the jurisdiction where the children's camp is located at least 90 days before commencing operations.
- (b) Each local agency shall develop a form for an operator to submit to the local agency that documents all of the following information:
  - (1) The name and contact information of the camp operator.
  - (2) The name and location of the children's camp.
  - (3) The name and contact information of the camp director.
  - (4) The name and contact information of the health supervisor required pursuant to Section 60003.
  - (5) The dates that the children's camp proposes to operate during the calendar year.
  - (6) The total number of campers expected to attend.
  - (7) The total number of full-time staff.
  - (8) The total number of seasonal counselors.
  - (9) Whether the children's camp offers any of the following activities:
    - (A) Contact sports.
    - (B) Motorsports.
    - (C) Rock climbing.
    - (D) Weaponry, including rifle ranges or archery.
    - (E) Aquatic activities.
    - (F) Ziplines or high-wire ropes.
    - (G) Horseback riding.
  - (10) Any other information deemed relevant by the local agency.
- (c) When registering with the local agency, a children's camp shall submit copies of its operating plan and emergency action plan that are required pursuant to Section 60004.

**60002.**

- (a) (1) A local agency shall make at least one unannounced inspection and one scheduled inspection of each children's camp within its jurisdiction during the calendar year, and at any other time the local agency has reason to believe a violation of this division or Part 2.4 (commencing with Section 18897) of Division 13 exists.
- (2) A local agency shall make additional unannounced or scheduled inspections of a children's camp that is the subject of a request or complaint filed with the local agency by any person with a legitimate basis for submitting the request or complaint.
- (3) A local agency shall make an additional inspection as soon as practically possible of a children's camp that reports a death pursuant to subdivision (e) of section 60003.
- (b) A local agency conducting an inspection pursuant to this section shall confirm that all necessary certifications for the activities offered at the children's camp are current and on file. If any of the camp's certifications are expired or cannot be confirmed by the local agency, the

camp shall immediately cease operation of the activity lacking the relevant certification until proper certification is confirmed by the local agency.

(c) (1) If, upon inspection, the local agency determines that a children's camp is in violation of any provision of this division or Part 2.4 (commencing with Section 18897) of Division 13, the local agency shall promptly issue a notice to correct the violation to the camp operator and the camp director.

(2) In the event that the local agency determines that a violation constitutes an imminent threat to the health and safety of any individual attending the children's camp, the notice of violation shall be issued immediately and served on the camp operator and camp director.

(3) In the event that the local agency determines that deficiencies, violations, or conditions exist at a children's camp that are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the children's camp unfit for human habitation, the local agency may issue an emergency order directing the camp operator or camp director to take immediate measures to rectify those deficiencies, violations, or conditions.

(4) (A) A children's camp shall post any violation issued pursuant to this subdivision in a highly visible location on the camp premises and on the camp's internet website, if one exists, until the local agency confirms that the camp has mitigated the violation.

(B) A local agency shall post any violation issued pursuant to this subdivision on its internet website until the local agency confirms mitigation of the violation.

(5) A local agency shall conduct a followup inspection to confirm the mitigation of any violation issued pursuant to this subdivision.

(d) (1) The local agency shall maintain all records of each children's camp inspection. These records shall be made available to the public for inspection.

(2) A local agency shall provide free, certified copies of any inspection report or citation issued pursuant to this division, if any, to a complaining party or their agent. If an inspection reveals a condition potentially affecting health or safety of the campers, then the local agency shall provide free copies of the inspection report and citations issued to any potentially affected campers or their agents.

**60003.**

(a) A camp operator or camp director shall check the background and character of each prospective camp staffer or counselor, regardless of age, on an annual basis through character references, background checks, and a sex offender registry information check.

(b) Each children's camp shall ensure that a full-time adult health supervisor charged with health supervision is available on the premises of the children's camp whenever campers are present.

(c) The health supervisor, aquatics supervisor, and all lifeguards, shall possess current CPR certifications and first aid certifications.

(d) The camp operator, camp director, and all camp staff and counselors shall be required to complete training in child abuse and neglect identification and training in child abuse and neglect reporting pursuant to Section 18975 of the Business and Professions Code.

(e) A children's camp shall report the death of any camper or any camp staff that occurs at the children's camp to the relevant local agency within 24 hours of occurrence.

**60004.**



(a) Each children's camp shall develop and maintain an operating plan that includes all of the following information:

- (1) The purpose and philosophy of the camp.
- (2) The admission policy of the camp.
- (3) Proposed operating hours.
- (4) Proposed fee schedule.
- (5) The ages of children accepted.
- (6) Procedures for dropping off and picking up campers.
- (7) Discipline policies.
- (8) Parent notification and visitation policies.
- (9) Services offered for children with special needs.
- (10) Security and emergency procedures.
- (11) Health and safety policies.
- (12) Offsite trip policies.
- (13) Policies for the storage of personal belongings.
- (14) Inclement weather policies.
- (15) Special equipment policies.
- (16) A site location description.
- (17) Buildings and facilities descriptions and planned usage of those buildings and facilities.
- (18) Environmental hazards.
- (19) Equipment access, control, and maintenance.
- (20) Food service provided.
- (21) Transportation policies.
- (22) Director and operator qualifications and training.
- (23) Staff background check and skills verification procedures.
- (24) Participant eligibility requirements.
- (25) Staff-to-camper supervision ratios.
- (26) Procedures for onsite and offsite nonrisk and high-risk activities.

(b) (1) Each children's camp shall develop and maintain an emergency action plan that contains procedure to address the following emergency situations:

- (A) Natural disasters.
  - (B) (i) Lost campers and lost swimmers.  
(ii) All campers, counselors, and staff shall review the written lost camper and lost swimmer plans that shall also be kept on file.
  - (C) Fires.  
(i) The fire emergency action plan shall require that fire drills be held at least every week.  
(ii) The fire emergency action plan shall be submitted in writing and be approved by the local fire department.
  - (D) Transportation emergencies.
  - (E) Severe illnesses and injuries.
  - (F) Unidentified individuals on the camp premises.
  - (G) Aquatic emergencies, if necessary.
  - (H) Active shooters.
  - (I) Other emergency situations as appropriate for the site.
- (2) The emergency action plan shall include all of the following procedures:
- (A) Evacuation of the camp premises.

- (B) Control of vehicular traffic through the camp.
- (C) Communication from persons at the site of an emergency to emergency medical facilities, the nearest fire station, and camp staff.
- (c) Camp staff shall be trained in implementation of the procedures set forth in the operating plan and emergency action plan.
- (d) A children's camp shall maintain a copy of the operating plan and emergency action plan required pursuant to this section on file on the camp premises and make the plans available for inspection by any camper or their agent.

**60005.**

- (a) (1) A local agency may charge a registration fee to a children's camp that files an annual registration pursuant to Section 60001.
- (2) A registration fee charged pursuant to this section shall not exceed the reasonable costs incurred for the registration and inspection of children's camps within the jurisdiction.
- (b) A children's camp that does not register, but is operating as a children's camp, shall be subject to a monetary penalty in the amount determined by the local agency.

**60006.**

- (a) Each local agency that registers a children's camp pursuant to Section 60001 shall submit an annual report to the State Department of Public Health that provides all of the following information regarding each children's camp operating within its jurisdiction:
  - (1) The name of the children's camp.
  - (2) The number of attending campers.
  - (3) The operating dates.
  - (4) The high-risk activities described in paragraph (6) of subdivision (b) of Section 60001 offered.
  - (5) Any violations cited by the local agency against the children's camp.
- (b) (1) The State Department of Public Health shall develop and maintain a public database on its internet website that contains all the information submitted by local agencies pursuant to subdivision (a).
- (2) The database shall include an annual summary that includes the following information:
  - (A) The total number of children's camps offered in the state.
  - (B) The total number of campers attending children's camps in the state.
  - (C) The total number of citations issued by local agencies pursuant to this division.

**60007.**

The Legislature finds and declares that this division addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this division applies to all cities, including charter cities.

**SEC. 9.**

Section 1182.4 of the Labor Code is amended to read:

**1182.4.**

(a) ~~No~~ *A* student employee, camp counselor, or program counselor of ~~an organized~~ *a children's* camp shall *not* be subject to a minimum wage or maximum hour order of the commission if the student employee, camp counselor, or program counselor receives a weekly salary of at least 85 percent of the minimum wage for a 40-hour week, regardless of the number of hours per week the student employee, camp counselor, or program counselor might work at the ~~organized~~ *children's* camp. If the student employee, camp counselor, or program counselor works less than 40 hours per week, the student employee, camp counselor, or program counselor shall be paid at least 85 percent of the minimum hourly wage for each hour worked.

(b) ~~An organized~~ *A children's* camp may deduct the value of meals and lodging from the salary of a student employee, camp counselor, or program counselor pursuant to appropriate orders of the commission.

(c) As used in this section, ~~“organized~~ *“children's camp”* means ~~an organized~~ *a children's* camp, as defined in Section 18897 of the Health and Safety ~~Code, which meets the standards of the American Camping Association. Code.~~

## SEC. 10.

Section 11165.7 of the Penal Code is amended to read:

11165.7.

(a) As used in this article, “mandated reporter” is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
- (6) An administrator *or full-time employee* of a ~~public or private day~~ *children's* camp. *For purposes this paragraph, “children's camp” means the same as defined in Section 18897 of the Health and Safety Code.*
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
- (9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child daycare facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a childcare institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.

- (17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner or other person who performs autopsies.
- (29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print or image processor” means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.
- (30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.
- (31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
- (A) “Animal control officer” means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
- (B) “Humane society officer” means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

- (32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
- (33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.
- (34) An employee of any police department, county sheriff’s department, county probation department, or county welfare department.
- (35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.
- (36) A custodial officer, as defined in Section 831.5.
- (37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.
- (38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.
- (39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.
- (40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.
- (41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution’s premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.
- (42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.
- (43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, “commercial computer technician” means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.
- (B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a

report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(47) A qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional, as defined in Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(48) A human resource employee of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code that employs minors. For purposes of this section, a "human resource employee" is the employee or employees designated by the employer to accept any complaints of misconduct as required by Chapter 6 (commencing with Section 12940) of Part 2.8 of Division 3 of Title 2 of the Government Code.

(49) An adult person whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace of a business subject to Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code is a mandated reporter of sexual abuse, as defined in Section 11165.1. Nothing in this paragraph shall be construed to modify or limit the person's duty to report known or suspected child abuse or neglect when the person is acting in some other capacity that would otherwise make the person a mandated reporter.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) (1) Except as provided in subdivision (d) and paragraph (2), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(2) Employers subject to paragraphs (48) and (49) of subdivision (a) shall provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. The training requirement may be met by completing the general online training for mandated reporters offered by the Office of Child Abuse Prevention in the State Department of Social Services.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse

reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a childcare licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a childcare administrator or an employee of a licensed child daycare facility shall take training in the duties of mandated reporters during the first 90 days when that administrator or employee is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child daycare facility shall take renewal mandated reporter training every two years following the date on which that person completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

## **SEC. 11.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.